

II. REMARKS

A. INTRODUCTION

In this Office Action claims 1-4 are noted as pending and are rejected based on prior art.

In summary of this Response claims 2 and 4 have been canceled, claims 1 and 3 are amended, and remarks are provided.

Support for the amendments to claim 1 and 3 can be found, e.g., in claims 2 and 4, and page 17, lines 7-27, page 18, lines 1-24, page 24, lines 14-27, page 25, lines 1-4, and Fig. 8 as filed.

B. REJECTION OF CLAIMS 1 and 3 UNDER 35 U.S.C. §103

These independent claims were rejected as being made obvious by the combination of Sekiya et al., U.S. Patent No. 7,039,325, and Maxham et al., U.S. Patent 6,411,407, but dependent claims 2 and 3 were not rejected in the Action as being made obvious by this combination.

Since subject matter of claims 2 and 4 has been added to independent claims 1 and 3 herein. Accordingly, it is believed this rejection has been overcome.

C. REJECTION OF CLAIMS 2 AND 4 UNDER 35 U.S.C. §103

These dependent claims have been rejected as being made obvious by the above-discussed combination and further in view of Kobayashi et al., U.S. Published Application No. 2002/0114060.

As noted above, claims 2 and 4 have been canceled. However, because subject matter of claims 2 and 4 has been added to claims 1 and 3, claims 1 and 3 will be discussed in relation to this rejection.

Claims 1 and 3, as amended herein, recite said "first optical supervisory signal generated by said optical-supervisory-signal generation unit contains clock information as said information for use in determination of continuity of said optical transmission line, and said optical-supervisory-signal reception unit activates an APSD (Auto Power Shut Down) function based on the clock information. The control of the APSD functions as follows, as recited in these independent claims. Even when the level of the second optical-supervisory-signal varies and an error occurs in the second optical-supervisory-signal, the APSD function is not activated

as long as the clock information can be extracted from the first optical-supervisory-signal. Only when said optical-supervisory-signal reception unit cannot extract the clock information from the first optical-supervisory-signal, said optical-supervisory-signal reception unit determines that a fiber failure has occurred, and activates the APSD function.

As acknowledged by the Action, "Sekiya and Maxham do not teach clock signal information and APSD." The issue then is whether Kobayashi et al. obviously completes these missing elements of Sekiya and Maxham. It is respectfully submitted the answer is no.

Kobayashi et al., the assignee's earlier reference (now U.S. Patent No. 6,532,102), differs from the present invention recited by independent claims 1 and 3 at least in regards to the control of the APSD function. That is, with Kobayashi et al., when a break is detected in either the main signal or the OSC signal, an APSD flag is generated by an optical amplifier for the purposes of indicating the detected signal break to an optical amplifier provided on the opposite line side. See particularly numbered paragraphs 12, 41-43 and 92 of Kobayashi et al. This reference does not operate such that, e.g., only when an optical-supervisory-signal reception unit cannot extract clock information from a first optical-supervisory-signal, will the unit consider that a fiber failure has occurred, and activate the APSD function to stop light emission.

Accordingly, Kobayashi et al. fails to teach the feature of the control of the APSD function of amended claims 1 and 3 described above.

III. CONCLUSION:

In light of the above amendments and remarks, it is respectfully submitted that claims 1 and 4 are now in condition for allowance.

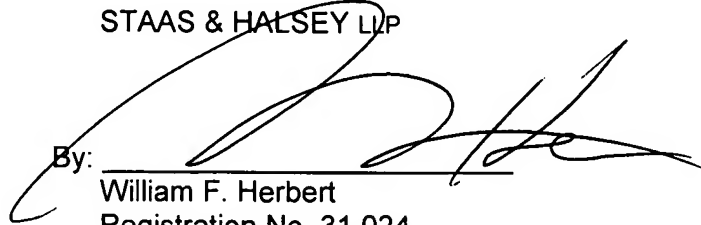
If there are any additional fees associated with this Response, please charge same to our Deposit Account No. 19-3935.

Finally, if there are any formal matters remaining after this Response, the undersigned would appreciate a telephone conference with the Examiner to attend to these matters.

Respectfully submitted,

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